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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,904	05/26/2000	Robert R. Bushey	P19004	8391

7055 7590 04/26/2005

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,904

Applicant(s)

BUSHEY ET AL.

Examiner

X L Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 29/Nov/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 08/20/01 has been considered. A PTO-1449 Form was not attached to the communication.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 7, 9, 11, 12, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Feng* (US 6,483,523 B1) and *Nahaboo et al* (US 5,974,253).

Claim 1:

Feng discloses a system and method for presenting a personalized browser interface to fit the demands of different types of users. Feng teaches that a personal profile is used that corresponds to personal quality (qualitative model) and temperament (behavioral characteristics) for recognizing every user's operational habit (quantitative model), (col. 4, lines 48-67; col. 5, lines 1-7). The browser has pre-set browser interface models. After recognizing the current user's operational habit and personal quality by using the personal profile, a suitable browser interface can be selected from the pre-set browser interface models for the current user. The appearance and function of the browser interface is adjusted subject to the user's habits (behavioral characteristics, preferences), that is, a personalized browser interface is provided (interface deployment) to fit the user (abstract; col. 2, lines 51-62). The set of browser interface models correspond to predetermined types of users (categorizing a user population into a plurality of groups) for defining the appearance and function of the browser interface, and the personal profile records the type of user using the browser (col. 2, lines 1-33; col. 4, lines 12-47).

Feng does not teach interactive interface testing. However, Nahaboo discloses an interactive user-interface description tool having an editor that allows a user to create or modify an interface and enables real-time execution of the application

functions (abstract; col. 3, lines 40-67). Nahaboo teaches that in the editing mode, the application interface can easily be modified and execution mode allows the user to test (validate) the behavior of the interface (col. 6, lines 60-64; col. 7, lines 11-16). Thus, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Feng to include Nahaboo's teaching of interactively testing an interface because testing determines the effectiveness of the personalized interface for the current user.

Claim 2:

See claim 1. Feng teaches a method for categorizing, describing, and modeling a user population into groups based on behavioral characteristics and/or user preferences (abstract; col. 2, lines 1-33, 51-62; col. 3, lines 14-29, 33-41, 44-49; col. 4, lines 14-47).

Claim 3:

See claim 1. Feng/Nahaboo teaches designing a customized user interface, categorizing users into groups, describing the categorized user behaviors and preferences, validating targeted user behaviors and preferences; capturing emergent behaviors and preferences (Feng, col. 4, lines 12-47); validating targeted user behaviors and user preferences of the model (Feng, col. 2, lines 51-62; col. 3, lines 31-49); tracking design requirements and implementations (Feng, col. 3, lines 8-29);

accommodating diversity in performance and preference during testing (Nahaboo, col. 6, lines 60-64; col. 7, lines 11-16); and customizing a user interface design to the users (Feng, col. 5, lines 33-38).

Claims 4 and 12:

Feng teaches that the interface may be used to browse a data bank or web station that provides a particular service such as video on demand or internet shopping (sales and billing negotiation system), (col. 1, lines 19-24).

Claims 6 and 14:

See claim 4. Feng teaches that the graphical user interface may be used for internet and multimedia applications which display a personalized browser interface to fit the demands of different types of users (col. 1, lines 6-14; col. 2, lines 63-67; col. 3, lines 1-7).

Claims 7 and 15:

See claim 1. Feng/Nahaboo discloses an interactive graphic user interface (Feng: col. 4, lines 13-42; Nahaboo: abstract; col. 6, lines 62-64; col. 7, lines 11-16).

Claims 9 and 17:

Feng teaches a graphical user interface that is incorporated into a computer operating system (fig. 1; col. 2, lines 51-67; col. 3, lines 1-29; col. 5, lines 9-38).

Claim 11:

See claim 3. Feng teaches a user profile to enable users to enter personal data and which recognizes the user's operational habits and personal qualities (col. 2, lines 51-56). Nahaboo teaches a create function and edit function that allow users to select and modify interface objects (such as navigation objects, buttons, windows, widgets, etc.) and display information or set behaviors, (col. 7, lines 11-16, 55-67; col. 8, lines 1-56). Feng/Nahaboo teach a user can use a profile to enter personal data, preferences and information display choices that can be applied to the interface. 11, lines 24-56).

5. Claims 5, 8, 10, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Feng/Nahaboo* and *Abelow* (US 5,999,908).

Claims 5 and 13:

Feng/Nahaboo does not teach the user interface can be incorporated into a graphical user interface of telephone system. However, Abelow discloses a customer-based product design module designed to embed a new type of product feature within a range of products and services helping them evolve into customer directed products by means of development interactions (abstract; col. 9, lines 15-29). Abelow teaches

that product interfaces are increasingly connected to built-in or embedded computing. Abelow teaches that the invention can be incorporated into a telephone system (col. 6, lines 37-44; col. 74, lines 39-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Feng/Nahaboo's interface to include Abelow's teaching of incorporating the interface in telephone systems or other types of system because the invention enables all types of users to obtain customized graphical user interfaces to fit their personal/group preferences, behaviors and/or skills.

Claims 8 and 16:

See claim 5. Abelow explains that the invention may be used to fit business operations (abstract) and can be incorporated in Bank Automated Teller Machines (ATMs), (col. 6, lines 23-28).

Claims 10 and 18:

See claim 5. Abelow teaches interfaces that are used in business offices and are transforming computers and TV screens via interactive services (col. 2, lines 13-19, 47-62). Abelow teaches a graphical user interface that can be incorporated into a television programming interface (col. 12, lines 5-14; col. 18, lines 50-67; col. 19, lines 1-14; col. 84, lines 21-40).

Conclusion

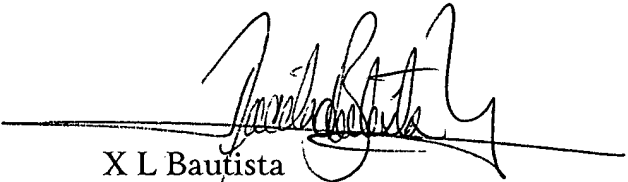
6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach (Obradovich et al) a method and system for effective navigation, the invention having a graphical user interface and user profiles used to navigate a user based on the user's profile and preferences (see: abstract; figs. 3 and 7; 0005-0007, 0031-0034, 0039-0040, 0056), and (Halviatti et al) a system and method for testing reliability of software programs adapted for automated testing of GUI applications, the invention having models that retain knowledge of how a given UI element is controlled or how it can be observed (see: abstract; col. 1, lines 20-27; col. 2, lines 58-64; col. 3, lines 27-34; col. 18, lines 50-57; col. 19, lines 31-34; col. 27, lines 25-60).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (757) 272-4136. The

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Primary Examiner
Art Unit 2179

xlb
20 April 2005